



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/522,342

01/25/2005

Akihiro Tachibana

US01-04066PCT

6310

21254

7590

08/01/2007

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

08/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10522342	1/25/2005	TACHIBANA ET AL.	US01-04066PCT

MGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

**EXAMINER**

Christopher R. Lamb

ART UNIT	PAPER
2627	20070724

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The amendment filed on May 22<sup>nd</sup>, 2007, amending the claims and thereby canceling all subject matter drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The amended claims are not readable on the elected invention for the following reasons:

An Office Action requiring an election was mailed May 18<sup>th</sup>, 2006. This Office Action specified three inventions that were not so linked as to form a general inventive concept under PCT Rule 13.1. These three inventions were Group I, drawn to using a marker or address information to determine relative velocity while recording or reproducing; Group II, drawn to directing a light beam while recording or reproducing; and Group III, drawn to a recording medium with markers. As noted in that Office Action, Group II is an independent invention regarding directing light with a rotating mirror. Applicant's response, filed June 15<sup>th</sup>, 2006, elected Group II without traverse.

The amended claims filed May 22<sup>nd</sup>, 2007 are no longer directed to Group II. They are instead directed toward Group I. The subject matter directed to changing the path of the light beam has been cancelled from the claims, and new subject matter directed toward a marker direction signal has been added in its place.

The amended claims still contain one reference to "a driving unit driving an objective lens or a mirror arranged in an optical path of the coherent light beam," which may have been an attempt to include the subject matter of Group II in the newly amended claims. However, the claims go on to specify that, "the converging position of

the objective lens tracks the marker.” In the specification, when the driving unit drives the mirror (as per Fig. 13), the converging position of the objective lens does not change. Conversely, when the converging position of the objective lens changes, it is because the driving unit is attached to it (as per Fig. 2), and in that case there is not a driving unit for the mirror. Therefore a claim that contains the limitation “the converging position of the objective lens tracks the marker” does not appear to refer to any embodiments that drive the mirror to direct light, and thus are not a part of the invention of Group II.

The amended claims were filed along with a request for continued examination: however, an applicant may not switch inventions by way of RCE as a matter of right. See MPEP § 819.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (571) 272-5264. The examiner can normally be reached on 9:00 AM to 6:30 PM Monday to Friday.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRL 7/27/07

/William R. Korzuch/

SPE, Art Unit 2627